

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte STEPHEN W. COMISKEY and BARRETT O. COMISKEY

MAILED

FEB 20 1996

**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

Appeal No. 95-3656
Application 08/240,895¹

ORDER REMANDING TO EXAMINER

A review of the file reveals that an Information Disclosure Statement was not considered by the Primary Examiner. An Information Disclosure Statement was filed November 8, 1995 (Paper No. 18). It is not apparent from the record that the examiner considered the statement submitted nor notified applicant of why his submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

Accordingly, it is

ORDERED that the application is remanded to the Examiner for such consideration of the Information Disclosure Statement and for such further action as may be appropriate.

¹ Application for patent filed May 11, 1994.

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The application, by virtue of its "special" status, requires immediate action. See Manual of Patent Examining Procedure, § 708.01(d). It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

DALE M. SHAW
Program and Resource Administrator

DMS:clm

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